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| APPLICATION NO.                                                   | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-------------------------------------------------------------------|-------------|----------------------|---------------------|------------------|
| 09/923,311                                                        | 08/07/2001  | Khai Hee Kwan        |                     | 1856             |
| 23336                                                             | 7590        | 07/28/2004           | EXAMINER            |                  |
| Khai Hee Kwan<br>315 AVOCAS STREET<br>RANDWICK, 2031<br>AUSTRALIA |             |                      | BASHORE, ALAIN L    |                  |
|                                                                   |             | ART UNIT             | PAPER NUMBER        | 3624             |

DATE MAILED: 07/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                        |                     |
|------------------------------|------------------------|---------------------|
| <b>Office Action Summary</b> | <b>Application No.</b> | <b>Applicant(s)</b> |
|                              | 09/923,311             | KWAN, KHAI HEE      |
|                              | <b>Examiner</b>        | <b>Art Unit</b>     |
|                              | Alain L. Bashore       | 3624                |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 07 August 2001.
- 2a) This action is **FINAL**.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-17 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Response to informal communication***

1. An informal communication (e-mail) was received from applicant that a reference was missing from the previous office action. The reference is herein supplied and the response period is re-started with this mailing of supplemental action. The group policy is that the official response to an office action must be made via the written record. The application may be considered abandoned if applicant utilizes e-mail for further communications, especially the official response to the office action.

### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The claims are replete with incorrect antecedent basis. Wherever the use of "said" or "the" is recited, there must be a previous recitation.

Examples include: in claim 1 on page 25, line 18 - "the utility service provider's main processor"; in claim 1 on page 26, line 13 - "the microphone". Please thoroughly examine the wording of the claims and correct all lack of antecedent basis.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr. in view of Mousseau et al.

Morrill, Jr. discloses a computer method for paying for goods and services over a network using utility accounts with at least one utility service provider, a client terminal, a merchant server and a wireless communications device (col 1, lines 18-24). There is provided a centralized payment processor linked to the network, and sub-accounts established on the provider's main processor (col 4, lines 16-24). Password identification, approval codes, and authentication steps are included (col 4, lines 25-30). After authentication, a debit is recorded to the payer's payment amount in the monthly utility bill, subject to adjustment. Internet use is disclosed (col 4, lines 31-38).

Morrill, Jr. does not explicitly disclose a verification of purchase including the step of downloading a text message that is received and matched against a retrieved copy.

Mousseau et al discloses verification including the step of downloading a text message which is received and matched against a retrieved copy (para 0171 and cl 7).

It would have been obvious to one with ordinary skill in the art to include a verification of purchase including the step of downloading a text message which is received and matched against a retrieved copy because Moussaeu et al teaches the importance of synchronization for wireless device communications (para 0007).

6. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Morrill, Jr. in view of Mousseau et al as applied to claims above, and further in view of.

Morrill, Jr. and Mousseau et al do not disclose an interactive voice response module.

Resnick et al discloses an interactive voice response module (col 5, lines 65-67).

It would have been obvious to one with ordinary skill in the art to include an interactive voice response module for use by the disabled. Also because Resnick et al teaches voice recognition as desired in the prior art (col 5, line 67; col 6, line 1).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alain L. Bashore whose telephone number is 703-308-1884. The examiner can normally be reached on about 7:00 am to 4:30 pm (Monday thru Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on 703-308-1065. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alain L. Bashore